

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

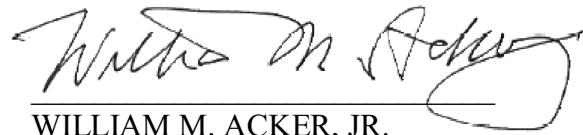
MARSHALL BERNARD JONES,      )  
                                    )  
Plaintiff,                      )  
                                    )  
vs.                              )  
                                    )      Case No. 2:04-cv-02900-WMA-HGD  
STATE OF ALABAMA, STATE'S    )  
ATTORNEY and CHARLES E.    )  
CALDWELL, PUBLIC DEFENDER )  
                                    )  
Defendants.                    )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on March 2, 2005, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as frivolous under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed as frivolous pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 5<sup>th</sup> day of April, 2005.



WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE